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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/891,380

06/27/2001

Karin Axelsson

006917.00010

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22907 7590 10/16/2007  
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EXAMINER

RAMAN, USHA

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

10/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/891,380

Applicant(s)

AXELSSON ET AL.

Examiner

Usha Raman

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-19 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-19, 21-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**Detailed Office Action**

***Appeal Brief***

In view of the appeal brief filed on June 28<sup>th</sup>, 2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5-7, 9-18, 21, 23, 25-29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Collins et al. (US Pat. 6,424,828).

With regards to claims 1 and 29, Ellis discloses an electronic program guide system comprising:

Receiving means (control circuitry 42) for receiving at least one EPG corresponding to a broadcast program (program guide data is received by control circuitry 42, see [0055]);

Selecting means (user interface 46) for selecting a desired program from the electronic program guide (user selects a program listing using control device, see [0122], [0056]);

Notification means for creating (issuing/generating) a notification (reminders) for the program selected from the electronic program guide (see [0086], [0087]);

Communication means (communications device 51) for providing access to a communications network (over remote access link 19; see [0057];

Transmission means (communications device 51) for transmitting a notification (a reminder is generated prior to start of the program by the local interactive television program guide, see [0087]) of the program selected from the electronic program guide to at least one remote electronic program guide system

(reminders maybe scheduled by a user with a local guide, transmitted to remote program guide access device, see [0086]) using the communications network (remote access link 19), wherein the transmission means is also arranged to transmit an alert message (email message, see [0087], [0124]) indicating the notification to be forwarded to a mobile handset (remote program guide access device 24 maybe palmtop computer, handheld personal computer, or personal digital assistant, see [0059]);

Reception means (58) for receiving a notification from a remote electronic program guide system (reminders transmitted by the local program guide are received at the remote program guide access device 24, see [0086], [0087]).

While Ellis discloses that an email reminder message or alphanumeric page maybe generated by the local program guide system and sent to the remote program guide device that include mobile handsets, Ellis is silent on the step of transmitting the notification message to a SMS server to be forwarded as a SMS to the mobile handset.

In a similar field of endeavor, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset,

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

With regards to claim 18, the modified system of Ellis in view of Collins as discussed in claim 1 performs the methods recited herein and therefore is analyzed as above.

With regards to claim 2, Ellis discloses that the communications means is a network modem (see [0057]).

With regard to claims 5, and 21, Ellis discloses that the transmission means is arranged to transmit the notification as an electronic mail to the remote electronic program guide system (see [0087], [0124]).

With regards to claim 6, Ellis discloses that the notification includes information indicating the program selected from the EPG (see fig. 9, and [0087]).

With regards to claims 7 and 9, Ellis discloses that the user can remotely record a program. The system therefore comprises a remote notification including recording parameters for the program selected from the electronic program guide.

With regard to claims 10, and 23, the recording instructions (commands) are generated to a recording device associated with the EPG system based on the notification (see Ellis: [0110], [0105], [0132]).

With regard to claims 12, and 26, Ellis discloses that reminders maybe issued on all remote program guide access devices available to the user and therefore shows transmitting notification to a plurality of remote EPG systems (see [0086]).

With regards to claim 13, Ellis discloses that the EPG system is incorporated into an integrated receiver decoder (see [0049], [0051], [0055]).

With regards to claim 14, the Ellis discloses that the EPG system is incorporated into a STB (see [0049]).

With regards to claim 15, Ellis discloses that the EPG system is incorporated into a mobile handset (see [0059]).

With regards to claim 16, Ellis discloses that the EPG system is incorporated into a television receiver (see [0049]).

With regards to claim 17, Ellis discloses that the EPG system is incorporated into a mobile display appliance (see [0059]).

With regards to claims 11 and 25, Ellis is silent on the step of obtaining a user acceptance of notification before generating the recording instructions. Examiner takes Official Notice that it was well known in the art at the time of the invention to confirm recording options or changes before generating recording instructions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Ellis in view of Collins by prompting the user to confirm recording options prior to generating recording instructions, thereby ensuring the correct parameters are present. By confirming recording options, a user accepts the notification before generating the recording instructions.

With regards to claim 27 and 28, Ellis discloses that steps of:

Providing an EPG for identification of a program of interest (obtain program listings, [0120]);

Providing selection options for a desired program from the EPG (user selects a program listing; see [0122]);

Creating a notification of the program selected from the EPG (reminder is scheduled by a user, see [0123]);

Obtaining transmission of the notification of the program selected from the EPG to at least one remote EPG system (reminder maybe scheduled by a user with a local guide, transmitted to a remote program guide access device and displayed by the remote access guide on remote guide access device, see [0085]); and

Obtaining transmission of an alert message (email message) indicating the notification to be forwarded to a mobile handset (the reminder is sent as email messages from interactive television program guide to remote program guide access device 24, see [0087] and [0124]).

While Ellis discloses that an email reminder message or alphanumeric page maybe generated by the local program guide system and sent to the remote program guide device that include mobile handsets, Ellis is silent on the step of transmitting the notification message to a SMS server to be forwarded as a SMS to the mobile handset.

In a similar field of endeavor, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email



message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset,

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

With regards to claim 30, Ellis discloses a method of

Receiving means (58) for receiving at least one EPG corresponding to a broadcast program (see [0120]);

Selecting means (52) for selecting a desired program from the EPG (see [0122]);

Communication means (58) for access to a communications network (see [0060], [0061]); and

Reception means (58) for receiving a notification from a remote EPG system (reminders maybe scheduled by a user with the local guide and transmitted as email messages to remote program guide access device, see [0085], [0087]).

Ellis is silent on the step of receiving the notification from a remote electronic program guide system via an SMS.

In a similar field of endeavor, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset,

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

4. Claims 3, 8, 19, 22, 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Collins et al. (US Pat. 6,424,828) and Haken (US PG Pub. 2004/0008972).

With regard to claims 3 and 19, the modified system fails to teach an authorization means for determining if a notification received originated within an authorization remote electronic program guide system.

In a similar filed of endeavor, Haken teaches including an authorization means (i.e. comparing recommendations for flagged user names) or for determining if a notification received originated within an authorized remote electronic program guide system. See Haken: [0032], [0034]. One of ordinary skill in the art can utilize this feature determine whether monitor remote notifications to filter out inappropriate

reminders sent from un trusted sources and keeping notifications sent from reliable or trusted sources.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

With regards to claims 8 and 22, once a source of the notification has been deemed reliable, then it would be obvious to further authorize the recording of the program so that the user can view it at a later time.

With regards to claim 24, the recording instructions (commands) are generated to a recording device associated with the EPG system based on the notification (see Ellis: [0110], [0105], [0132]).

5. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Collins et al. (US Pat. 6,424,828) and Corliss (US Pat. 6,771,949).

With regards to claim 31, Ellis discloses a method of receiving a notification of a program selected from the EPG in a remote EPG system (reminder sent to the user via an alphanumeric pager; see [0124]).

In a similar field of endeavor, Corliss (US Pat. 6,771,949) discloses an alphanumeric pager receiving alphanumeric messages via SMS (column 7, lines 25-40).

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2623

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